

REMARKS

Claims 1-6, and 8-14 are pending in the application. Claim 7 has been canceled without prejudice or disclaimer in the Supplemental Preliminary Amendment filed June 7, 2004.

Non-elected method claims 9-13 have been withdrawn, in view of the Restriction Requirement imposed in the Office Action mailed November 18, 2004. The withdrawn method claims, by virtue of dependency, contain all limitations of amended claim 1. Pursuant to M.P.E.P. § 821.04, these withdrawn method claims 9-13 must therefore be rejoined upon a finding that elected compound claim 1 is allowable.

The pending claims have been amended to clarify that they embrace pharmaceutically acceptable salts of the recited compounds. Support for these amendments is found throughout the originally-filed specification. For example, see page 160, line 11 to page 161, line 3.

Claim 1 has also been amended to clarify that the radicals aryl, cycloalkyl, heterocyclo, and heteroaryl are optionally substituted, by explicitly reciting relevant portions of the definitions of these radicals, as found in the specification at pages 14-17.

No new matter is added.

The Rejection of Claims 2-4 under 35 U.S.C. § 112, ¶ 2

The Final Office Action maintains the rejections of claims 2-4 under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Office Action asserts that antecedent basis is lacking for some of the cyclic substituted radicals in claims 2-4 because “it is not stated in claim 1 that these rings are optionally substituted.”

To advance prosecution, Applicants have amended claim 1 to explicitly recite optional substituents of aryl, cycloalkyl, heterocyclo, and heteroaryl, as found in the specification.

Reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, are respectfully requested.

BASIS FOR ENTRY OF THE AMENDMENTS PURSUANT TO 37 C.F.R. § 1.116

Applicants respectfully submit that entry of these amendments is proper under 37 C.F.R. § 1.116, because these amendments comply with a requirement of form set forth in the Final Office Action. In particular, the Final Office Action requires that claim 1 explicitly recite the optional substituents of certain cyclic radicals, as found in the definitions of these radicals in the specification. Also, these amendments place the rejected claims in better form for consideration on appeal, as they are specifically directed to the last remaining rejection of record, under 35 U.S.C. § 112, second paragraph (antecedent basis). Finally, Applicants did not appreciate the necessity of these amendments earlier in prosecution. Applicants earnestly believed that the current rejection could have been adequately addressed by pointing out that the radicals at issue in claim 1 are defined in the specification to include the optional substituents recited in claims 2-4. This approach was taken in response to the first (non-final) Office Action. The present amendments to claim 1, explicitly incorporating these definitions, were therefore not initially viewed as necessary and therefore not earlier presented.

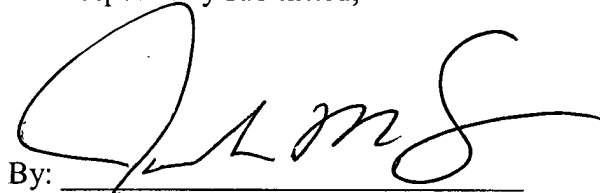
For all of these reasons, entry of the above amendments under 37 C.F.R. § 1.116 is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, all pending claims of this application are believed to be in condition for allowance. Acknowledgement of the same is respectfully requested, together with rejoinder of withdrawn process claims 9-13, as required under M.P.E.P. § 821.04.

This response is believed to completely address all of the substantive issues raised in the Office Action dated October 31, 2005.

Respectfully submitted,



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